

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LARRY M. WHITTAKER,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:18-cv-00488-MMD-WGC

ORDER

*Pro se* Plaintiff Larry Whittaker filed a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 4.) Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 107), recommending that Defendants’ motion for summary judgment (ECF No. 100) be granted. Whittaker had until September 24, 2021, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts Judge Cobb’s R&R and will grant Defendants’ motion for summary judgment.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

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1 Because there is no objection, the Court need not conduct *de novo* review, and is  
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends that Defendants'  
3 motion for summary judgment should be granted for the following reasons: (1) Whittaker  
4 failed to exhaust his administrative remedies, (2) Whittaker was given adequate  
5 procedural protections as to his due process claim in Count I, and (3) Whittaker failed to  
6 present any evidence to support a casual connection between the sanction and his  
7 grievance activity to prove his retaliation claim against Defendant John Henley in Count  
8 II. (ECF No. 107 at 5-16.) The Court agrees with Judge Cobb. Having reviewed the R&R  
9 and the record in this case, the Court will adopt the R&R in full.

10 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.  
11 107) is accepted and adopted in full.

12 It is further ordered that Defendants' motion for summary judgment (ECF No. 100)  
13 is granted.

14 The Clerk of Court is directed to enter judgment in accordance with this order and  
15 close this case.

16 DATED THIS 29<sup>th</sup> Day of August 2021.

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20 MIRANDA M. DU  
21 CHIEF UNITED STATES DISTRICT JUDGE  
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